

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 3:21-cv-00389-MMD-WGC

Order

Re: ECF No. 5

RICHARD IDEN,

Plaintiff

v.

CASEWORKER HERNANDEZ, et. al.,

Defendants

Plaintiff, who is a prisoner in custody of the Nevada Department of Corrections, has applied to proceed in forma pauperis (IFP) and civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF Nos. 1-1 and 4.) District Judge Du screened Plaintiff's complaint and allowed him to proceed with an Eighth Amendment failure to protect claim against Dugan, Gittere and Doe caseworkers when he learns their identities based on allegations that he reached out to several caseworkers and the warden to add known enemies to his list, but the requests were ignored. Now, they seek to transfer him to High Desert State Prison (HDSP), where some of his known (but unlisted) enemies are located. He contends that he faces a substantial risk of serious harm if transferred. Plaintiff was given leave to amend with respect to his retaliation claim. (ECF No. 6.)

Plaintiff has also filed a motion for preliminary injunction. (ECF No. 5.) In his motion, he asserts that he has been in protective custody since arriving at NDOC due to receiving death threats from other inmates concerning his testimony in a murder case. He contends that NDOC has refused to allow him to place people on his enemy list who threatened his life. Plaintiff has been placed on a list to transfer to HDSP, where he has known enemies that NDOC has refused

1 to add to his enemies list. Plaintiff filed grievances and kites about his enemies not being added
2 to his list, and about facing danger if transferred to HDSP.

3 Within **14 days** of the date of this Order, the Attorney General's Office shall advise the
4 court whether it will enter a limited notice of appearance on behalf of Defendants, and if so, also
5 within **14 days** of the date of this Order, the Attorney General's Office shall file a response to
6 Plaintiff's motion for preliminary injunction. Plaintiff will have **seven days** from the date he
7 receives the response brief to file a reply. The court will then determine whether a hearing is
8 necessary.

9 The Clerk of the Court shall electronically serve a copy of this Order, a copy of Plaintiff's
10 complaint (ECF No. 7), a copy of the screening order (ECF No. 6), as well as a copy of
11 Plaintiff's motion for a preliminary injunction (ECF No. 5) on the Nevada Attorney General's
12 Office by adding the Nevada Attorney General's Office to the docket sheet. This will not
13 constitute a general appearance.

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15 **IT IS SO ORDERED.**

16 Dated: October 12, 2021

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18 William G. Cobb
19 United States Magistrate Judge
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